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Attorneys for Defendant, Counter-Claimant and Cross-Claimant  
CITY OF EUREKA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KFD ENTERPRISES, INC., a California  
Corporation dba Norman's Dry Cleaner,

Plaintiff,

v.

CITY OF EUREKA,

Defendant.

CITY OF EUREKA,

Counter-Claimant and Third-Party Plaintiff

vs.

KFD ENTERPRISES, INC., a California  
Corporation dba Normans Dry Cleaner,  
Unocal Corporation,

Cross-Defendant and Third Party  
Defendant

CASE NO. CV-08-4571 MMC

STIPULATION AND ~~PROPOSED~~  
ORDER FOR EXTENDING TIME FOR  
REBUTTAL EXPERT REPORTS  
[Fed. R. Civ. Proc. 26(a)(2)(D)(ii)],  
[CIVIL L.R. 6-2(a)(b), 7-12]

Pursuant to Civil Local Rules 6-2(a), 6-2(b) and 7-12 and Fed. R. Civ. Proc. 26(a)(2)(D)(ii),  
Plaintiff KFD Enterprises, Inc., Cross-Defendant Kenneth Daer, Defendant, Cross-Claimant,  
Counter-Claimant and Cross-Defendant City of Eureka, Defendant, Cross-Defendant and Cross-



1 Claimant Winzler & Kelly, Defendants and Cross-Defendants Union Oil Company of California,  
2 Unocal Corporation and Chevron Corporation, Defendant, Cross-Defendant and Cross-Claimant  
3 Environmental Resolutions, Inc./Cardno USA and Defendants and Cross-Defendants Multimatic  
4 LLC and the Kirrberg Corporation hereby stipulate as follows:

5       Whereas the Court's Pretrial Preparation Order adopted on January 24, 2012 (Doc. No.  
6 499) set a deadline of September 7, 2012 to rebut any party's August 20, 2012 expert witness  
7 disclosure and expert written report;

8       Whereas Fed. R. Civ. Proc. 26(a)(2)(D)(ii) allows for up to 30 days to rebut another party's  
9 expert report;

10       Whereas the Court's Pretrial Preparation Order adopted on January 24, 2012 (Doc. No.  
11 499) set a deadline of October 26, 2012 to complete expert discovery;

12       Whereas the parties have set a mediation on October 4, 2012;

13       Whereas the parties have disclosed a total of nine experts, which has resulted in numerous,  
14 multi-page expert reports that include hundreds of references, multiple exhibits, numerous tables,  
15 attachments and figures, pursuant to Fed. R. Civ. Proc. 26(a)(2)(B)(i)-(iv);

16       Whereas many of the reports present complex technical analysis based on advanced  
17 scientific principles in various environmental disciplines including, but not limited to, geology,  
18 hydrogeology, civil engineering, and sanitary engineering;

19       Whereas the parties feel more time is needed to prepare rebuttal reports given the number  
20 and complexity of the initial expert reports;

21       Whereas the parties have agreed to hold off on expert depositions until after the October  
22 4, 2012 mediation in order to reduce costs (in the event the case settles at the mediation);

23       Whereas the parties do not feel expert discovery can be completed between October 5, 2012  
24 and October 26, 2012 given the number of experts that have been disclosed, the possibility that  
25 further supplemental experts will be disclosed, and the scheduling issues that typically arise when  
26 so many parties are involved;

27       Whereas, pursuant to L.R. 6-2(a)(2), there have been eight time modifications in the case;  
28 none of which have relaxed the disclosure of experts or expert reports;

THEREFORE, the parties hereby agree, subject to the Court's approval, to the following stipulated order;

1. The deadline to submit rebuttal expert reports shall be extended from September 7, 2012 to September 19, 2012;
2. Rebuttal expert reports can be served electronically;
3. Expert depositions shall be stayed until after October 4, 2012 (unless all parties agree on taking a specific expert deposition earlier);
4. The deadline to complete expert discovery is continued from October 26, 2012, to November 16, 2012.

DATED: August 31, 2012

DAVIDOVITZ &amp; BENNETT LLP

By: /s/ CHARLES BOLCOM

MORIS DAVIDOVITZ  
CHARLES BOLCOM  
Attorneys for Defendant, Counter-  
Claimant and Cross-Claimant CITY OF  
EUREKA

(The filer hereby attests that concurrence in the filing of this document has been obtained from the signatory below.)

DATED: August 31, 2012

GREBEN &amp; ASSOCIATES

By:       /s/       Jan Greben

JAN GREBEN  
Attorneys for Plaintiff KFD  
ENTERPRISES, INC. and Cross-  
Defendant KENNETH DAER

DATED: August 31, 2012

GORDON & REES LLP

By: /s/ George A. Acero

GEORGE A. ACERO  
Attorneys for Defendant, Cross-Claimant  
and Cross-Defendant ENVIRONMENTAL  
RESOLUTIONS, INC./CARDNO USA

1 DATED: August 31, 2012

GLYNN & FINLEY

2  
3 By: /s/ Andrew Mortl  
4 ANDREW MORTL  
5 Attorneys for Defendants and Cross-  
6 Defendants UNION OIL CO. OF  
7 CALIFORNIA, UNOCAL CORP. AND  
8 CHEVRON CORP.

9 DATED: August 31, 2012

SEVERSON & WERSON

10 By: /s/ Peter Lyon  
11 PETER LYON  
12 Attorneys for Defendant Cross-Defendant  
13 and Cross-Claimant WINZLER & KELLY

14 DATED: August 31, 2012

DONGELL LAWRENCE FINNEY LLP

15 By: /s/ Tom Vandenburg  
16 TOM VANDENBURG  
17 Attorneys for Defendants and Cross-  
18 Defendants MULTIMATIC LLC and THE  
19 KIRRBURG CORPORATION

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED**, provided that the extension of the  
21 above-referenced deadlines does not, by itself, constitute good cause for the extension of any  
22 other deadline.

23 DATED: September 5, 2012

24   
25 MAXINE M. CHESNEY  
26 UNITED STATES DISTRICT JUDGE  
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